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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.814 OF 2007

Khade Metal Industries Petitioner
versus
Jamietrai Isardas Lalwani Respondent

Mr.S.S.Patwardhan for petitioner.

CORAM : A.S.OKA, J.

DATE : 07th February 2007

PC :

1. Heard Shri Patwardhan for petitioner. This petition invokes Article 227 of the Constitution of India. The petitioner is the defendant in a suit filed by the respondent. An affidavit of examination-in-chief was filed by the proprietor of respondent. The petitioner cross-examined the proprietor of respondent on the basis of the said affidavit and thereafter by making an application, he raised an objection that the affidavit of evidence was not in accordance with law. The said application made by the petitioner has been rejected by order dated 8th January 2007.

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2. The order impugned is purely interlocutory order. No interference is called for. Petition is rejected. However, it is clarified that in the event the decree is passed against the petitioner in the pending suit, it will be open for the petitioner to impugn the said order in the appeal, which may be preferred by the petitioner against the decree.

(A.S.OKA, J.)